

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TRACY ANDERSON,

Plaintiff,

v.

OPINION & ORDER

13-cv-561-wmc

WILLIAM POLLARD, CAPT. OLSON, SGT.
DAHLKE, OFFICER LEVEY, OFFICER
ROSENTHAL, and JAMES MUENCHOW,

Defendants.

Plaintiff Tracy Anderson is presently in state custody at Waupun Correctional Institution. He has filed suit against the above-named defendants, apparently alleging violations of the First and Fourteenth Amendments based on the seizure and destruction of his Holy Qur'an and seeking compensatory and punitive damages of \$250,000 from each named defendant. Plaintiff has paid his initial partial filing fee pursuant to 28 U.S.C. § 1915(b) and has now filed a motion for summary judgment on his claims under the First and Fourteenth Amendment. He also appears to have added a claim under the Eighth Amendment in that motion as well. (Dkt. #7.)

Because Anderson is incarcerated, this court must screen his complaint pursuant to the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915A, to determine whether it is: (1) frivolous or malicious; (2) fails to state a claim upon which relief can be granted; or (3) seeks monetary relief from a defendant who is immune from such relief. This required screening process has not yet taken place. Until the court has screened Anderson's complaint and determined whether he will be permitted to proceed on his claims against the

defendants he names above, his motion for summary judgment is premature and will be denied for that reason.

Accordingly, IT IS ORDERED that plaintiff Tracy Anderson's motion for summary judgment (dkt. #7) is DENIED without prejudice to reconsideration at a later time. After the court has completed the screening process as required by 28 U.S.C. § 1915A and provided plaintiff is granted leave to proceed on his claims, he may re-file his motion.

Entered this 29th day of October, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge